

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:11-cv-506-RJC-DSC**

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
                                vs.                 )                              ORDER  
                                )  
US CURRENCY \$31,680.00, )  
                                )  
Defendant.                 )  
                                )  
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**THIS MATTER** comes before the Court upon Plaintiff's Motion for Default Judgment, (Doc. No. 6), filed on March 15, 2012.

**I. BACKGROUND**

Plaintiff United States of America ("Plaintiff") filed its Complaint, (Doc. No. 1), on October 12, 2011, together with a supporting Affidavit from Special Agent Lisa D. Mayberry of the United States Postal Inspection Service. This Court found probable cause for forfeiture and issued a warrant for arrest in rem. See (Doc. No. 6 at 1). Plaintiff identified in the Complaint all known persons who may have potential claims to the Defendant Property and attempted to serve them with copies of the Complaint by certified mail, return receipt requested, at their last known addresses. See (Doc. No. 6 at 1). As to all persons in the world with potential claims to the Defendant Property, service of process was made by publishing via www.forfeiture.gov, October 13, 2011 through November 11, 2011 as shown on the Submission of Declaration of Publication dated November 14, 2011, and filed on November 14, 2011. (Doc. No. 3); see also Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

Pursuant to 21 U.S.C. § 881, any person claiming a legal interest in the Defendant Property had until December 12, 2011 to file a verified claim and, pursuant to Federal Rule of Civil Procedure 12(a)(1)(A)(i), until January 3, 2012 file an Answer to Plaintiff's Complaint. Plaintiff filed a Motion for Entry of Default, (Doc. No. 5), on March 15, 2012 and the Clerk of Court entered default on the same day, (Doc. No. 7). See FED. R. CIV. P. 55(a); 18 U.S.C. § 983(a)(4)(A); Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions; (Doc. No. 3-1 at 2) (“The verified Claim and Answer must be filed with the Clerk of Court. . . or default and forfeiture will be ordered.”).

Plaintiff states, upon information and belief, that “no person has filed a claim or answer within the time required by the Complaint, the public notices, or Rule C(6) of the Supplemental Rules for Certain Admiralty and maritime claims.” (Doc. No. 6 at 2). Plaintiff filed a Motion for Default Judgment, (Doc. No. 6), on March 15, 2012.

## **II. DISCUSSION**

Having reviewed the claims asserted in the Complaint, (Doc. No. 1), and the evidence submitted in connection with Plaintiff's Motion for Default Judgment, (Doc. No. 6), the Court finds that Plaintiffs' Motion should be, and hereby is, **GRANTED**.

## **III. CONCLUSION**

**IT IS, THEREFORE, ORDERED** that Default Judgment of Forfeiture is entered against the Defendant Property.

Signed: March 31, 2012

Robert J. Conrad Jr.

Robert J. Conrad, Jr.  
Chief United States District Judge

